

3736 18w

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: James Kelly Fox et al. Examiner: Navin Natnithithadha  
Serial No.: 10/034,139 Group Art Unit: 3736  
Filed: December 27, 2001 Docket: G&C 130.40-US-01  
Title: SYSTEM FOR MONITORING PHYSIOLOGICAL CHARACTERISTICS

**CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 14, 2005.

By: Barbara Senty  
Name: Barbara Senty

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

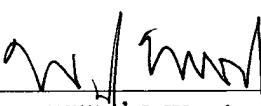
Dear Sir:

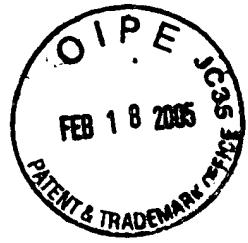
We are transmitting herewith the attached:

- Transmittal sheet, in duplicate, containing a Certificate of Mailing under 37 CFR 1.8.
- Supplemental Information Disclosure Statement and Form PTO-1449.
- Return postcard.

**Please charge all fees to Deposit Account No. 50-0494 of Gates & Cooper LLP. A duplicate of this paper is enclosed.**

Customer Number 22462  
**GATES & COOPER LLP**  
Howard Hughes Center  
6701 Center Drive West, Suite 1050  
Los Angeles, CA 90045  
(310) 641-8797

By:   
Name: William J. Wood  
Reg. No.: 42,236  
WJW/bjs



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SUPPLEMENTAL INFORMATION DISCLOSURE  
STATEMENT (37 C.F.R. §1.97(c))

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

Pursuant to 37 C.F.R. §1.97(c), please charge the amount of \$180.00 to Deposit Account No. 50-0494 of Gates & Cooper LLP for having the items of information listed considered after the mailing date of a first Office Action on-the-merits, but before the mailing date of either a final action under 37 C.F.R. § 1.113, or a Notice of Allowance under 37 C.F.R. § 1.311.

In accordance with 37 C.F.R. §1.98(d)(2), a copy of each document or other information listed on the enclosed Form 1449 is not provided because it was previously cited by or submitted to the U.S. Patent and Trademark Office in CIP application, U.S. Serial No. 10/750,080 filed on February 11, 2005.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art". Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

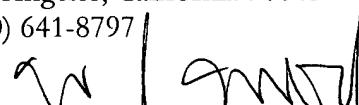
Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please direct any response or inquiry to the below-signed attorney at (310) 641-8797.

Respectfully submitted,

GATES & COOPER LLP  
Attorneys for Applicant(s)

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6701 Center Drive West, Suite 1050  
Los Angeles, California 90045  
(310) 641-8797

By:   
Name: William J. Wood  
Reg. No.: 42,236

Date: February 14, 2005

WJW/bjs

Date Mailed: February 14, 2005

FEB 18 2005

Sheet 1 of 1

Form 1449*	Docket Number: G&C 130.40-US-01	Application Number: 10/034,139
<b>INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION</b>	Applicant: James Kelly Fox et al.	Filing Date: December 27, 2001
		Group Art Unit: 3736

EXAMINER: \_\_\_\_\_ DATE CONSIDERED: \_\_\_\_\_  
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.